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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,262	11/22/2000	Takashi Shimada	1405.1027/JDH	1440
21171 7590 09/21/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER DOAN, DUYN MY	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/717,262

Applicant(s)

SHIMADA ET AL.

Examiner

Duyen M. Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/13/2006 has been entered. Claims 1-5, 7-15 are presented for examination, claim 6 is cancelled.

Response to Arguments

Applicant's arguments, see remark pages 7-8, filed 12/13/2006 with respect to claims 9,11,13,15 under U.S.C. 112 2nd have been fully considered and are persuasive. The rejection of claims 9,11,13,15 has been withdrawn.

Applicant's arguments see remark pages 7-8, filed 12/13/2006 with respect to claims 8,10,12,14 under U.S.C. 101 have been fully considered and are persuasive. The rejection of claims 8,10,12,14 has been withdrawn.

Applicant's arguments filed 12/13/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art does not teach, "properties of a channel that generates the requests and based on services in a queue category", examiner respectfully disagrees.

Examiner's claims' interpretation is under guideline, provided in the MPEP, "During patent examination, the pending claims must be "given *>their broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). "The words of a claim must be given their "plain meaning" unless they are defined in the specification. While the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. > In re American Academy of Science Tech Center, ___ F.3d ___, 2004 WL 1067528 (Fed. Cir. May 13, 2004); In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) (Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are

construed to mean exactly what they say." (Emphasis added). "It is only when the specification provides definitions for terms appearing in the claims that the specification can be used in interpreting claim language. In re Vogel, 422 F.2d 438, 441, 164 USPQ 619, 622 (CCPA 1970). >See also Superguide Corp. v. DirecTVEnterprises, Inc., 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004)".

The "properties of channel" since not being specifically defined in the specification, examiner given the broadest, reasonable interpretation as "the type of transaction that the request belong", for example email, telephone, fax, web services etc... can be the different types (i.e. properties) of transaction (i.e. channel). "services in a queue category" since not being defined in the specification, examiner given the claimed limitation the broadest, reasonable interpretation as "the inbound request category or the outbound request category" or the QoS that the transaction are being assigned or it can be anything since the applicant has not define what it is, it is opened for interpretation. Dillip discloses a service processing system having multiple agents to process different types of transactions such as email, telephone, fax etc... wherein the transaction can be the inbound requests or outbound requests, the priority is given base on the transaction that the request belong such as telephone request is given a higher priority, and the email request is given a lower priority (see Dillips col.3, lines 48-67). Dillip further discloses that the priority is assigned based on the QoS requested by a transaction initiator (see Dillip col.14, lines 2-7). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the prior does not teach, "allocation of processing terminal to either incoming task or outgoing task", the claim is presented in alternative form, therefore the above claim can be interpreted as follow, "allocating processing terminal to incoming request (i.e. task)". As discloses above, Dillip teaches a processing system that processing the incoming request by assigning (i.e. allocating) a particular agent to the request (see col.5, lines 16-33). Each agent has the software and the hardware capability to handle multiple types of transactions. The transaction can either be an inbound (incoming) or outbound (outgoing) transaction.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5,7-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dilip et al (us pat 6,704,409) (hereinafter Dilip).

As regarding claim 1, Dilip discloses process request determination means for accepting a plurality of process requests from a plurality of channels as communication

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means between a user and call center (see Dilip col.4, lines 4-26, transaction processing system handle mixed transaction from customers) and determining whether any of the plurality of process requests from the plurality of channels are real-time process requests needing processing in real-time, or non-real-time process requests not needing processing in real-time (see Dilip col.3, lines 25-67, transaction processing system handle both real-time request and non-real-time request), the determining based on an indication of properties of a channel that generates said process requests (see Dilip col.5, lines 9-33, since the applicant has not specifically define what is the properties of a channel in his specification, the property of channels can be broadly and reasonably interpret as the type of service or the type of transaction that the request belong for example, email or telephone or fax) and based on services in a queue category (see Dillip col.4, lines 4-17; col.14, lines 1-7, since the applicant has not specifically define what is the queue categories, the queue categories can be broadly and reasonably interpret as the incoming and the outgoing transaction); non-real-time processing administrating means for changing processing requests among processing requests determined to be the non-real-time processing requests to the real-time processing requests when data relating to clients as processing objects is predetermined client data, and for administrating other non-real-time processing requests with priority levels therefore (see Dilip col.14 lines 29-46, if the email approaching its QoS limit, the email will be change from non-real time (i.e. less priority) to real-time (i.e. higher priority)); real-time processing allocation means for allocating process requests determined to be real-time process requests to processing terminals that are currently available among a plurality of processing terminals connected to a plurality of channels capable of a real-time process (see

Dilip col.14, lines 8-46, processing the real-time transaction (i.e. telephone transaction) has higher priority); and non-real-time processing allocation means for allocating non-real-time processes administrated by said non-real-time processing administrating means to any of the processing terminals, said allocation performed with consideration given to the priority level and to suitability of the terminal for handling the process (see Dilip col.14, lines 8-46, processing the non real-time transaction (i.e. email) has lower priority).

As regarding claim 2, the limitations of claim 2 are similar to limitation of rejected claim 1, therefore rejected for the same rationale as claim 1.

As regarding claim 3, Dilip discloses allocating a non-real-time process request currently being administrated to a most appropriate processing terminal, based on the priority level of the request and suitability of available processing terminals capable of processing said non-real-time process request (see Dilip col.7, lines 42-54).

As regarding claim 4, Dilip discloses allocating the processing terminal handled by said dual-duty operator to either incoming tasks or outgoing tasks based on a current status of the processing terminals handled by the operators (see col.4, lines 5-7; col.5, lines 16-33; col.13, lines 54, the agent can handle multiple type of transactions, such as email, telephone, or fax, and the particular transaction can either be inbound (incoming) or outbound (outgoing)), wherein said incoming tasks and outgoing tasks include both real-time and non-real-time process requests arising from channels connected to (see

col.4, lines 5-17), in addition to the processing terminals handled by said operators, Web agents handling process requests generated by Internet web servers, e-mail agents handling process requests generated by e-mail servers, and automatic voice response devices automatically processing incoming signals from public lines (see col.4, lines 5-17; also see figure 2; servers 56-66; agents 46-1 to 46-n).

As regarding claim 5, Dilip discloses among the processing terminals handled by said operators, at least one processing terminal is kept available for real-time incoming tasks (see Dilip col.3, lines 25-65).

As regarding claim 7, Dilip discloses wherein said outgoing tasks include pre-planned non-real-time process requests not requiring real-time processing (see Dilip col.3, lines 25-65).

As regarding claim 8, limitations of claim 8 are similar to limitations of rejected claim 1, therefore rejected for the same rationale as claim 1.

As regarding claim 12, Dilip discloses among the processing terminals handled by said operators, at least one processing terminal is kept available for real-time incoming tasks (see col.3, lines 25-65).

As regarding claims 9 and 13 the limitations are similar to limitations of rejected

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claims 1, 8 and 12 above, therefor rejected for the same rationale as claims 1, 8 and 12 above.

As regarding claims 10 and 14 the limitations are similar to limitations of rejected claims 4,5,7 above, therefor rejected for the same rationale as claims 4,5,7 above.

As regarding claims 11 and 15 the limitations are similar to limitations of rejected claims 4,5,7 above, therefor rejected for the same rationale as claims 4,5,7 above.

Examiner's Note:

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

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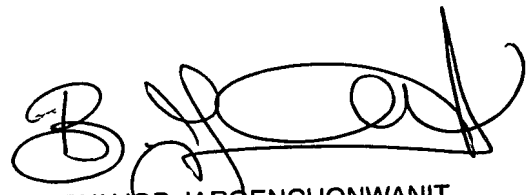
In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan


BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER
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